

State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1146/P
PJK:jld:ms

rmw

DOA:.....Grimsrud, BB0242 - Eliminating various Act 28 changes to W-2

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

(in 2-2)
D-note

do not
get cut

✓
1

AN ACT; relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. W-2 is administered, generally, by W-2 agencies under contracts with DCF. This bill makes a number of miscellaneous changes to W-2, including the following:

1. Limiting the length of time during which a participant may participate in a trial job to three months and in a trial job placement to 24 months; limiting the length of time during which a participant may participate in a community service job to six months and in a community service job placement to 24 months; and limiting the length of time during which a participant may participate in a transitional placement to 24 months.

2. Providing that a participant in a community service job placement may be required to engage in certain job-related activities for up to 30 hours per week and in educational or training activities for up to ten hours per week and that a participant in a transitional placement may be required to engage in certain specified activities for up to 28 hours per week and in education or training activities for up to 12 hours per week.

✓
Insert A →

- ¶ 4 ← Eliminating the requirement that DCF make certain determinations, such as whether good cause exists for a participant's failure to participate and that the services offered to a participant are appropriate for him or her, before determining that a participant is ineligible for three months to participate in W-2 due to a failure to participate in an assigned placement.
- ¶ 5 ← Eliminating the requirement that, before a participant who has refused to participate in an assigned placement loses eligibility for three months, he or she must be given a conciliation period during which he or she must participate in all assigned activities. The participant is still allowed a reasonable time, however, to rectify his or her deficiency and avoid the loss of eligibility.
- ¶ 6 ← Eliminating the requirement that, after a W-2 agency has provided written notice to a W-2 participant whose benefits are about to be reduced by at least 20 percent or whose eligibility is about to be terminated, the W-2 agency also must orally explain the proposed action. The W-2 agency is still required, however, to orally explain the reasons for the proposed action, as well as providing the reasons in the written notice.

The bill also eliminates the transitional jobs demonstration project, under which DCF provides wage subsidies to employers who employ eligible individuals. The demonstration project was to provide up to 2,500 transitional jobs in certain specified counties to low-income adults who are ineligible for W-2 or unemployment insurance benefits. The demonstration project was being conducted with federal moneys from the Temporary Assistance for Needy Families Emergency Fund under the American Recovery and Reinvestment Act of 2009.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.143 (2r) of the statutes is amended to read:

2 49.143 (2r) JOB PROGRAMS. A Wisconsin Works agency shall collaborate with

3 the local workforce development board to connect individuals seeking employment

4 with employment opportunities, including the trial job program under s. 49.147 (3)

5 and, if operating in the geographical area in which the Wisconsin Works agency

6 administers Wisconsin Works, the transitional jobs demonstration project under s.

7 49.162.

8 **SECTION 2.** 49.147 (3) (c) of the statutes is created to read:

1 49.147 (3) (c) *Time-limited participation.* A participant under this subsection
2 may participate in a trial job for a maximum of 3 months, with an opportunity for a
3 3-month extension under circumstances determined by the Wisconsin Works
4 agency. A participant may participate in more than one trial job, but may not exceed
5 a total of 24 months of participation under this subsection. The months need not be
6 consecutive. The department or, with the approval of the department, the Wisconsin
7 Works agency may grant an extension of the 24-month limit on a case-by-case basis
8 if the participant has made all appropriate efforts to find unsubsidized employment
9 and has been unable to find unsubsidized employment because local labor market
10 conditions preclude a reasonable job opportunity for that participant, as determined
11 by a Wisconsin Works agency and approved by the department.

12 **SECTION 3.** 49.147 (4) (as) of the statutes is amended to read:

13 49.147 (4) (as) *Required hours.* Except as provided in pars. (at) and (av) and
14 sub. (5m), a Wisconsin Works agency shall require a participant placed in a
15 community service job program to work in a community service job for the number
16 of hours determined by the Wisconsin Works agency to be appropriate for the
17 participant at the time of application or review, ~~except that the~~ but not to exceed 30
18 hours per week. Except as provided in pars. (at) and (av), a Wisconsin Works agency
19 ~~may not require a participant under this subsection to spend more than 40 hours per~~
20 ~~week in combined activities under this subsection~~ participate in education or
21 training activities for not more than 10 hours per week.

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2 of 24 months of participation under this subsection. The months need not be
3 consecutive. The department or, with the approval of the department, the Wisconsin
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5 if the Wisconsin Works agency determines that the individual has made all
6 appropriate efforts to find unsubsidized employment and has been unable to find
7 unsubsidized employment because local labor market conditions preclude a
8 reasonable employment opportunity in unsubsidized employment for that
9 participant, as determined by a Wisconsin Works agency and approved by the
10 department, and if the Wisconsin Works agency determines, and the department
11 agrees, that no trial job opportunities are available in the specified local labor
12 market.

13 **SECTION 5.** 49.147 (5) (b) (intro.) of the statutes is renumbered 49.147 (5) (b)

14 1. (intro.) and amended to read:

15 49.147 (5) (b) 1. (intro.) The Wisconsin ~~works~~ Works agency shall assign a
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17 rehabilitation program, as defined by the department, a job similar to a community
18 service job, or a volunteer activity. A Wisconsin ~~works~~ Works agency may require a
19 participant under this subsection to participate in any of the following:

20 **SECTION 6.** 49.147 (5) (b) 1m. of the statutes is renumbered 49.147 (5) (b) 1. a.

21 and amended to read:

22 49.147 (5) (b) 1. a. An alcohol and other drug abuse evaluation, assessment, and
23 treatment program.

24 **SECTION 7.** 49.147 (5) (b) 2. of the statutes is created to read:

1 49.147 (5) (b) 2. An individual may participate in a transitional placement for
2 a maximum of 24 months. The months need not be consecutive. This period may be
3 extended on a case-by-case basis by the department or by the Wisconsin Works
4 agency with the approval of the department.

5 **SECTION 8.** 49.147 (5) (b) 2m. of the statutes is renumbered 49.147 (5) (b) 1. b.

6 **SECTION 9.** 49.147 (5) (b) 3. of the statutes is renumbered 49.147 (5) (b) 1. c.

7 **SECTION 10.** 49.147 (5) (b) 4. of the statutes is renumbered 49.147 (5) (b) 1. d.
8 and amended to read:

9 49.147 (5) (b) 1. d. Other activities that the Wisconsin ~~works~~ Works agency
10 determines are consistent with the capabilities of the individual.

11 **SECTION 11.** 49.147 (5) (bs) of the statutes is amended to read:

12 49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),
13 a Wisconsin Works agency may require a participant placed in a transitional
14 placement to engage in activities under par. (b) ~~1m. to 4.~~ The 1. for up to 28 hours
15 per week. Except as provided in sub. (5m), a Wisconsin Works agency may not
16 require a participant under this subsection to spend more than 40 hours per week
17 in combined activities under this subsection participate in education or training
18 activities under par. (bm) for not more than 12 hours per week.

19 **SECTION 12.** 49.148 (1) (c) of the statutes is amended to read:

20 49.148 (1) (c) *Transitional placements.* For a participant in a transitional
21 placement under s. 49.147 (5) or in a transitional placement and in technical college
22 education under s. 49.147 (5m), a grant of ~~\$628~~ ^{\$608}, paid monthly by the Wisconsin
23 Works agency. For every hour that the participant fails to participate in any required
24 activity without good cause, including any activity under s. 49.147 (5) (b) ~~1m. to 4.~~
25 1. a. to d., the grant amount shall be reduced by \$5.15. Good cause shall be

determined by the financial and employment planner in accordance with rules promulgated by the department. Good cause shall include required court appearances for a victim of domestic abuse.

SECTION 13. 49.148 (1m) (c) (intro.) of the statutes is amended to read:

49.148 **(1m)** (c) (intro.) For purposes of the time ~~limit~~ limits under s. ~~ss.~~ 49.145 (2) (n) and 49.147 (3) (c), (4) (b), and (5) (b) 2., all of the following apply:

SECTION 14. 49.148 (4) (b) of the statutes is amended to read:

49.148 **(4)** (b) The Wisconsin Works agency may require an individual who tests positive for use of a controlled substance under par. (a) to participate in a drug abuse evaluation, assessment, and treatment program as part of the participation requirement under s. 49.147 (4) ~~(a) and (am)~~ (as) or (5) ~~(b) and (bm)~~ (bs).

SECTION 15. 49.151 (1) (b) of the statutes is amended to read:

49.151 **(1)** (b) The participant, or an individual who is in the participant's Wisconsin Works group and who is subject to the work requirement under s. 49.15 (2), fails, without good cause, as determined by the Wisconsin Works agency, to appear for an interview with a prospective employer or, if the participant is in a Wisconsin Works transitional placement, the participant fails to appear for an assigned activity, including an activity under s. 49.147 (5) (b) ~~1m. to 4. 1. a. to d.,~~ without good cause, as determined by the Wisconsin Works agency.

SECTION 16. 49.1515 (title) of the statutes is amended to read:

49.1515 (title) Determining nonparticipation without good cause.

SECTION 17. 49.1515 (2) of the statutes is repealed.

SECTION 18. 49.1515 (3) of the statutes is repealed.

SECTION 19. 49.153 (1) (am) of the statutes is renumbered 49.153 (1) (b) and amended to read:

1 49.153 (1) (b) ~~Explain~~ After providing the written notice under par. (a), explain
2 to the participant orally in person or by phone, or make reasonable attempts to
3 explain to the participant orally in person or by phone, the ~~proposed action and the~~
4 reasons for the proposed action.

 ****NOTE: I eliminated the requirement to explain the proposed action but retained
 the requirement to explain the reasons for the proposed action. Did you want to eliminate
 that explanation, too?

5 **SECTION 20.** 49.153 (1) (bm) of the statutes is renumbered 49.153 (1) (a) and
6 amended to read:

7 49.153 (1) (a) ~~After providing the explanation under par. (am), provide~~ Provide
8 to the participant written notice of the proposed action and of the reasons for the
9 proposed action.

10 **SECTION 21.** 49.153 (1) (c) of the statutes is amended to read:

11 49.153 (1) (c) After providing the notice under par. (a) and the explanation or
12 the attempts to provide an explanation under par. ~~(am) and the notice under par.~~
13 ~~(bm), if the participant has not already been afforded a conciliation period under s.~~
14 ~~49.1515 (3) (b),~~ allow the participant a reasonable time to rectify the deficiency,
15 failure, or other behavior to avoid the proposed action.

16 **SECTION 22.** 49.153 (2) of the statutes is amended to read:

17 49.153 (2) RULES. The department shall promulgate rules that establish
18 procedures for the notice and explanation under sub. (1) and that define "reasonable
19 attempts" for the purpose of sub. (1) ~~(am)~~ (b) and "reasonable time" for the purpose
20 of sub. (1) (c).

21 **SECTION 23.** 49.162 ^X of the statutes, as affected by 2009 Wisconsin Act 333, is
22 repealed.

23 **SECTION 24.** 106.14 (2) of the statutes is amended to read:

1 106.14 (2) The department shall publicize and maintain on its job center Web
2 site information related to the job ~~programs under ss.~~ program under s. 49.147 (3)
3 ~~and 49.162~~ so that employers and individuals seeking employment may obtain
4 information about the ~~programs~~ program, including how to participate in ~~them~~ it.

5 **SECTION 25.** 2009 Wisconsin Act 333, section 20 (2) is amended to read:

6 [2009 Wisconsin Act 333] Section 20 (2) PUBLISH NOTICE IN THE WISCONSIN
7 ADMINISTRATIVE REGISTER THAT FUNDING IS NOT AVAILABLE. If, after making the
8 determination under subsection (1m), the department of children and families
9 determines that federal moneys from the Temporary Assistance for Needy Families
10 Emergency Fund under the American Recovery and Reinvestment Act of 2009 are
11 no longer available to support an expansion of trial jobs under section 49.147 (3) of
12 the statutes, as affected by this act, ~~and the project under section 49.162 of the~~
13 ~~statutes, as affected by this act,~~ the department shall publish a notice in the
14 Wisconsin Administrative Register that states the date on which the federal moneys
15 may no longer be obtained.

16 **SECTION 26.** 2009 Wisconsin Act 333, section 20 (5) is amended to read:

17 [2009 Wisconsin Act 333] Section 20 (5) ADDITIONAL FUNDING FOR PROGRAMS. If
18 any other federal funding becomes available for the ~~programs~~ program under
19 ~~sections~~ section 49.147 (3) ~~and 49.162~~ of the statutes, as affected by this act, the
20 department of children and families shall take any actions that may be necessary to
21 obtain the funding and use it for ~~those programs~~ that program.

22 **SECTION 27.** 2009 Wisconsin Act 333, section 22 (2) is amended to read:

23 [2009 Wisconsin Act 333] Section 22 (2) The repeal of ~~sections~~ section 49.147 (3)
24 (cm) ~~and (dm)~~ ~~and 49.162 (3) (am)~~ ~~and (d)~~ of the statutes and the amendment of
25 ~~sections~~ section 49.147 (3) (a) (by SECTION 4) ~~and 49.162 (3) (a) (by SECTION 10)~~ of the

statutes take effect on the date stated in the notice published by the department of children and families under SECTION 20 (2) of this act.

SECTION 9308. Initial applicability; Children and Families.

(1) MISCELLANEOUS WISCONSIN WORKS PARTICIPATION CHANGES. The treatment of sections 49.147 (3) (c), (4) (as) and (b), and (5) (b) (intro.), 1m., 2., 2m., 3., and 4. and (bs), 49.148 (1) (c), (1m) (c) (intro.), and (4) (b), 49.151 (1) (b), 49.1515 (title), (2), and (3), and 49.153 (1) (am), (bm), and (c) and (2) of the statutes first applies to individuals participating in Wisconsin Works on the effective date of this subsection.

(END)

→ (b) 1., 1m. d., and 3. and
↑ letter

D-note

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1146/P2ins
PJK:.....

INSERT A

3. Reducing the maximum monthly grant received by a participant in a community service job placement from ~~\$673~~ to ~~\$653~~ and by a participant in a transitional placement from ~~\$628~~ to ~~\$608~~.

(END OF INSERT A)

INSERT 5-18

SECTION 1. 49.148 (1) (b) 1. of the statutes is amended to read:

49.148 (1) (b) 1. Except as provided in subd. 1m., for a participant in a community service job under s. 49.147 (4), a monthly grant of ~~\$673~~ \$653, paid by the Wisconsin ~~works~~ Works agency. For every hour that the participant misses work or education or training activities without good cause, the grant amount shall be reduced by \$5.15. Good cause shall be determined by the financial and employment planner in accordance with rules promulgated by the department. Good cause shall include required court appearances for a victim of domestic abuse. If a participant in a community service job under s. 49.147 (4) is required to work fewer than 30 hours per week because the participant has unsubsidized employment, as defined in s. 49.147 (1) (c), the grant amount under this paragraph shall equal the amount specified under subd. 1m. minus \$5.15 for each hour that the participant misses work or education or training activities without good cause.

History: 1995 a. 289; 1997 a. 27; 1999 a. 9; 2009 a. 28.

SECTION 2. 49.148 (1) (b) 1m. d. of the statutes is amended to read:

49.148 (1) (b) 1m. d. For a participant placed in a community service job for more than 20 hours per week, ~~\$673~~ \$653.

History: 1995 a. 289; 1997 a. 27; 1999 a. 9; 2009 a. 28.

SECTION 3. 49.148 (1) (b) 3. of the statutes is amended to read:

49.148 (1) (b) 3. For a participant in a community service job who participates in technical college education under s. 49.147 (5m), a monthly grant of ~~\$673~~ \$653,

Ins 5-18 contd.

1 paid by the Wisconsin [✓]~~works~~ Works agency. For every hour that the participant
2 misses work or other required activities without good cause, the grant amount shall
3 be reduced by \$5.15. Good cause shall be determined by the financial and
4 employment planner in accordance with rules promulgated by the department. Good
5 cause shall include required court appearances for a victim of domestic abuse.

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(END OF INSERT 5-18)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1146/P2dn

PJK:.....

date

jld

Sarah:

I included the benefit reductions in the existing initial applicability provision (applies to individuals currently participating in W-2).✓ Let me know if you want the benefit reduction to apply prospectively only (such as to individuals who apply for W-2, or who are placed in those placements, on and after the effective date).✓

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1146/P2dn
PJK:jld:rs

February 4, 2011

Sarah:

I included the benefit reductions in the existing initial applicability provision (applies to individuals currently participating in W-2). Let me know if you want the benefit reduction to apply prospectively only (such as to individuals who apply for W-2, or who are placed in those placements, on and after the effective date).

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

From: Grimsrud, Sarah - DOA [Sarah.Grimsrud@wisconsin.gov]

Sent: Thursday, February 10, 2011 11:34 AM

To: Kahler, Pam

Subject: RE: LRB-1146/P2

Get rid of an oral explanation and just keep written notice.

Sarah

Sarah E. Grimsrud
Executive Policy & Budget Analyst
State Budget Office
Division of Executive Budget & Finance
Wisconsin Department of Administration
(608) 266-2288

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]

Sent: Thursday, February 10, 2011 11:21 AM

To: Grimsrud, Sarah - DOA

Subject: RE: LRB-1146/P2

Sarah:

That leaves explaining the proposed action orally in person or by phone. Is that what you want to keep, or do you want to get rid of the oral explanation altogether and just keep the written notice?

From: Grimsrud, Sarah - DOA [mailto:Sarah.Grimsrud@wisconsin.gov]

Sent: Thursday, February 10, 2011 10:30 AM

To: Kahler, Pam

Subject: LRB-1146/P2

Hi Pam,

In Section 22 on p. 8, you asked if I also wanted to eliminate the requirement to explain the reasons for the proposed action. I would like to eliminate that requirement as well.

Sarah

Sarah E. Grimsrud
Executive Policy & Budget Analyst
State Budget Office
Division of Executive Budget & Finance
Wisconsin Department of Administration
(608) 266-2288

2/10/2011



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1146/DG
PJK:jld:js

rmisum

DOA:.....Grimsrud, BB0242 - Miscellaneous changes to W-2

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

(2-10)

4
to not get cut

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19 **SECTION 12.** 49.148 (1) (b) 1. of the statutes is amended to read:

20 49.148 (1) (b) 1. Except as provided in subd. 1m., for a participant in a
21 community service job under s. 49.147 (4), a monthly grant of ~~\$673~~ \$653, paid by the
22 Wisconsin ~~works~~ Works agency. For every hour that the participant misses work or
23 education or training activities without good cause, the grant amount shall be
24 reduced by \$5.15. Good cause shall be determined by the financial and employment
25 planner in accordance with rules promulgated by the department. Good cause shall

1 include required court appearances for a victim of domestic abuse. If a participant
2 in a community service job under s. 49.147 (4) is required to work fewer than 30 hours
3 per week because the participant has unsubsidized employment, as defined in s.
4 49.147 (1) (c), the grant amount under this paragraph shall equal the amount
5 specified under subd. 1m. minus \$5.15 for each hour that the participant misses work
6 or education or training activities without good cause.

7 **SECTION 13.** 49.148 (1) (b) 1m. d. of the statutes is amended to read:

8 49.148 (1) (b) 1m. d. For a participant placed in a community service job for
9 more than 20 hours per week, ~~\$673~~ \$653.

10 **SECTION 14.** 49.148 (1) (b) 3. of the statutes is amended to read:

11 49.148 (1) (b) 3. For a participant in a community service job who participates
12 in technical college education under s. 49.147 (5m), a monthly grant of ~~\$673~~ \$653,
13 paid by the Wisconsin ~~works~~ Works agency. For every hour that the participant
14 misses work or other required activities without good cause, the grant amount shall
15 be reduced by \$5.15. Good cause shall be determined by the financial and
16 employment planner in accordance with rules promulgated by the department. Good
17 cause shall include required court appearances for a victim of domestic abuse.

18 **SECTION 15.** 49.148 (1) (c) of the statutes is amended to read:

19 49.148 (1) (c) *Transitional placements*. For a participant in a transitional
20 placement under s. 49.147 (5) or in a transitional placement and in technical college
21 education under s. 49.147 (5m), a grant of ~~\$628~~ \$608, paid monthly by the Wisconsin
22 Works agency. For every hour that the participant fails to participate in any required
23 activity without good cause, including any activity under s. 49.147 (5) (b) ~~1m. to 4.~~
24 1. a. to d., the grant amount shall be reduced by \$5.15. Good cause shall be
25 determined by the financial and employment planner in accordance with rules

promulgated by the department. Good cause shall include required court appearances for a victim of domestic abuse.

SECTION 16. 49.148 (1m) (c) (intro.) of the statutes is amended to read:

49.148 (1m) (c) (intro.) For purposes of the time ~~limit~~ limits under s. ~~ss.~~ 49.145 (2) (n) and 49.147 (3) (c), (4) (b), and (5) (b) 2., all of the following apply:

SECTION 17. 49.148 (4) (b) of the statutes is amended to read:

49.148 (4) (b) The Wisconsin Works agency may require an individual who tests positive for use of a controlled substance under par. (a) to participate in a drug abuse evaluation, assessment, and treatment program as part of the participation requirement under s. 49.147 (4) ~~(a) and (am) (as)~~ or (5) ~~(b) and (bm) (bs)~~.

SECTION 18. 49.151 (1) (b) of the statutes is amended to read:

49.151 (1) (b) The participant, or an individual who is in the participant's Wisconsin Works group and who is subject to the work requirement under s. 49.15 (2), fails, without good cause, as determined by the Wisconsin Works agency, to appear for an interview with a prospective employer or, if the participant is in a Wisconsin Works transitional placement, the participant fails to appear for an assigned activity, including an activity under s. 49.147 (5) (b) ~~1m. to 4. 1. a. to d.~~, without good cause, as determined by the Wisconsin Works agency.

SECTION 19. 49.1515 (title) of the statutes is amended to read:

49.1515 (title) Determining nonparticipation without good cause.

SECTION 20. 49.1515 (2) of the statutes is repealed.

SECTION 21. 49.1515 (3) of the statutes is repealed.

SECTION 22. 49.153 (1) (am) of the statutes is renumbered 49.153 (1) (b) and
amended to read:

✓
repealed.

LOS-
change component

1 49.153 (1) (b) ~~Explain~~ After providing the written notice under par. (a), explain
2 to the participant orally in person or by phone, or make reasonable attempts to
3 explain to the participant orally in person or by phone, the ~~proposed action and the~~
4 reasons for the proposed action.

****NOTE: I eliminated the requirement to explain the proposed action but retained the requirement to explain the reasons for the proposed action. Did you want to eliminate that explanation, too?

5 **SECTION 23.** 49.153 (1) (bm) of the statutes is renumbered 49.153 (1) (a) and
6 amended to read:

7 49.153 (1) (a) ~~After providing the explanation under par. (am), provide~~ Provide
8 to the participant written notice of the proposed action and of the reasons for the
9 proposed action.

10 **SECTION 24.** 49.153 (1) (c) of the statutes is amended to read:

11 49.153 (1) (c) After providing the notice under par. (a) and the explanation or
12 ~~the attempts to provide an explanation under par. (am) and the notice under par.~~
13 (bm), if the participant has not already been afforded a conciliation period under s.
14 49.1515 (3) ~~(b)~~, allow the participant a reasonable time to rectify the deficiency,
15 failure, or other behavior to avoid the proposed action.

16 **SECTION 25.** 49.153 (2) of the statutes is amended to read:

17 49.153 (2) RULES. The department shall promulgate rules that establish
18 procedures for the notice ~~and explanation~~ under sub. (1) ^(a) and that define "reasonable
19 attempts" for the purpose of sub. (1) (am) ^(b) and "reasonable time" for the purpose
20 of sub. (1) (c).

21 **SECTION 26.** 49.162 of the statutes, as affected by 2009 Wisconsin Act 333, is
22 repealed.

23 **SECTION 27.** 106.14 (2) of the statutes is amended to read:

1 106.14 (2) The department shall publicize and maintain on its job center Web
2 site information related to the job ~~programs under ss.~~ program under s. 49.147 (3)
3 ~~and 49.162~~ so that employers and individuals seeking employment may obtain
4 information about the ~~programs~~ program, including how to participate in ~~them~~ it.

5 **SECTION 28.** 2009 Wisconsin Act 333, section 20 (2) is amended to read:

6 [2009 Wisconsin Act 333] Section 20 (2) PUBLISH NOTICE IN THE WISCONSIN
7 ADMINISTRATIVE REGISTER THAT FUNDING IS NOT AVAILABLE. If, after making the
8 determination under subsection (1m), the department of children and families
9 determines that federal moneys from the Temporary Assistance for Needy Families
10 Emergency Fund under the American Recovery and Reinvestment Act of 2009 are
11 no longer available to support an expansion of trial jobs under section 49.147 (3) of
12 the statutes, as affected by this act, ~~and the project under section 49.162 of the~~
13 ~~statutes, as affected by this act,~~ the department shall publish a notice in the
14 Wisconsin Administrative Register that states the date on which the federal moneys
15 may no longer be obtained.

16 **SECTION 29.** 2009 Wisconsin Act 333, section 20 (5) is amended to read:

17 [2009 Wisconsin Act 333] Section 20 (5) ADDITIONAL FUNDING FOR PROGRAMS. If
18 any other federal funding becomes available for the ~~programs~~ program under
19 ~~sections~~ section 49.147 (3) ~~and 49.162~~ of the statutes, as affected by this act, the
20 department of children and families shall take any actions that may be necessary to
21 obtain the funding and use it for ~~these programs~~ that program.

22 **SECTION 30.** 2009 Wisconsin Act 333, section 22 (2) is amended to read:

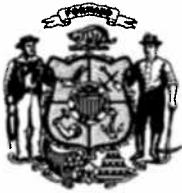
23 [2009 Wisconsin Act 333] Section 22 (2) The repeal of ~~sections~~ section 49.147 (3)
24 (cm) ~~and (dm) and 49.162 (3) (am) and (d)~~ of the statutes and the amendment of
25 ~~sections~~ section 49.147 (3) (a) (by SECTION 4) ~~and 49.162 (3) (a) (by SECTION 10)~~ of the

1 statutes take effect on the date stated in the notice published by the department of
2 children and families under SECTION 20 (2) of this act.

3 **SECTION 9308. Initial applicability; Children and Families.**

4 (1) MISCELLANEOUS WISCONSIN WORKS PARTICIPATION CHANGES. The treatment of
5 sections 49.147 (3) (c), (4) (as) and (b), and (5) (b) (intro.), 1m., 2., 2m., 3., and 4. and
6 (bs), 49.148 (1) (b) 1., 1m. d., and 3. and (c), (1m) (c) (intro.), and (4) (b), 49.151 (1) (b),
7 49.1515 (title), (2), and (3), and 49.153 (1) (am), (bm), and (c) and (2) of the statutes
8 first applies to individuals participating in Wisconsin Works on the effective date of
9 this subsection.

10 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1146/1
PJK:jld:ph

DOA:.....Grimsrud, BB0242 - Miscellaneous changes to W-2

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law provides work experience and benefits for low-income custodial parents who are at least 18 years old, as well as job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents. W-2 is administered, generally, by W-2 agencies under contracts with DCF. This bill makes a number of miscellaneous changes to W-2, including the following:

1. Limiting the length of time during which a participant may participate in a trial job to three months and in a trial job placement to 24 months; limiting the length of time during which a participant may participate in a community service job to six months and in a community service job placement to 24 months; and limiting the length of time during which a participant may participate in a transitional placement to 24 months.

2. Providing that a participant in a community service job placement may be required to engage in certain job-related activities for up to 30 hours per week and in educational or training activities for up to ten hours per week and that a participant in a transitional placement may be required to engage in certain specified activities for up to 28 hours per week and in education or training activities for up to 12 hours per week.

3. Reducing the maximum monthly grant received by a participant in a community service job placement from \$673 to \$653 and by a participant in a transitional placement from \$628 to \$608.

4. Eliminating the requirement that DCF make certain determinations, such as whether good cause exists for a participant's failure to participate and that the services offered to a participant are appropriate for him or her, before determining that a participant is ineligible for three months to participate in W-2 due to a failure to participate in an assigned placement.

5. Eliminating the requirement that, before a participant who has refused to participate in an assigned placement loses eligibility for three months, he or she must be given a conciliation period during which he or she must participate in all assigned activities. The participant is still allowed a reasonable time, however, to rectify his or her deficiency and avoid the loss of eligibility.

6. Eliminating the requirement that, after a W-2 agency has provided written notice to a W-2 participant whose benefits are about to be reduced by at least 20 percent or whose eligibility is about to be terminated, the W-2 agency also must orally explain the proposed action.

The bill also eliminates the transitional jobs demonstration project, under which DCF provides wage subsidies to employers who employ eligible individuals. The demonstration project was to provide up to 2,500 transitional jobs in certain specified counties to low-income adults who are ineligible for W-2 or unemployment insurance benefits. The demonstration project was being conducted with federal moneys from the Temporary Assistance for Needy Families Emergency Fund under the American Recovery and Reinvestment Act of 2009.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.143 (2r) of the statutes is amended to read:

2 49.143 (2r) JOB PROGRAMS. A Wisconsin Works agency shall collaborate with
3 the local workforce development board to connect individuals seeking employment
4 with employment opportunities, including the trial job program under s. 49.147 (3)
5 and, ~~if operating in the geographical area in which the Wisconsin Works agency~~
6 ~~administers Wisconsin Works, the transitional jobs demonstration project under s.~~
7 ~~49.162.~~

8 **SECTION 2.** 49.147 (3) (c) of the statutes is created to read:

1 49.147 (3) (c) *Time-limited participation.* A participant under this subsection
2 may participate in a trial job for a maximum of 3 months, with an opportunity for a
3 3-month extension under circumstances determined by the Wisconsin Works
4 agency. A participant may participate in more than one trial job, but may not exceed
5 a total of 24 months of participation under this subsection. The months need not be
6 consecutive. The department or, with the approval of the department, the Wisconsin
7 Works agency may grant an extension of the 24-month limit on a case-by-case basis
8 if the participant has made all appropriate efforts to find unsubsidized employment
9 and has been unable to find unsubsidized employment because local labor market
10 conditions preclude a reasonable job opportunity for that participant, as determined
11 by a Wisconsin Works agency and approved by the department.

12 **SECTION 3.** 49.147 (4) (as) of the statutes is amended to read:

13 49.147 (4) (as) *Required hours.* Except as provided in pars. (at) and (av) and
14 sub. (5m), a Wisconsin Works agency shall require a participant placed in a
15 community service job program to work in a community service job for the number
16 of hours determined by the Wisconsin Works agency to be appropriate for the
17 participant at the time of application or review, ~~except that the~~ but not to exceed 30
18 hours per week. Except as provided in pars. (at) and (av), a Wisconsin Works agency
19 may not require a participant under this subsection to spend more than 40 hours per
20 week in combined activities under this subsection participate in education or
21 training activities for not more than 10 hours per week.

22 **SECTION 4.** 49.147 (4) (b) of the statutes is created to read:

23 49.147 (4) (b) *Time-limited participation.* An individual may participate in a
24 community service job for a maximum of 6 months, with an opportunity for a
25 3-month extension under circumstances approved by the department. An individual

1 may participate in more than one community service job, but may not exceed a total
2 of 24 months of participation under this subsection. The months need not be
3 consecutive. The department or, with the approval of the department, the Wisconsin
4 Works agency may grant an extension to the 24-month limit on a case-by-case basis
5 if the Wisconsin Works agency determines that the individual has made all
6 appropriate efforts to find unsubsidized employment and has been unable to find
7 unsubsidized employment because local labor market conditions preclude a
8 reasonable employment opportunity in unsubsidized employment for that
9 participant, as determined by a Wisconsin Works agency and approved by the
10 department, and if the Wisconsin Works agency determines, and the department
11 agrees, that no trial job opportunities are available in the specified local labor
12 market.

13 **SECTION 5.** 49.147 (5) (b) (intro.) of the statutes is renumbered 49.147 (5) (b)
14 1. (intro.) and amended to read:

15 49.147 (5) (b) 1. (intro.) The Wisconsin ~~works~~ Works agency shall assign a
16 participant under this subsection to work activities such as a community
17 rehabilitation program, as defined by the department, a job similar to a community
18 service job, or a volunteer activity. A Wisconsin ~~works~~ Works agency may require a
19 participant under this subsection to participate in any of the following:

20 **SECTION 6.** 49.147 (5) (b) 1m. of the statutes is renumbered 49.147 (5) (b) 1. a.
21 and amended to read:

22 49.147 (5) (b) 1. a. An alcohol and other drug abuse evaluation, assessment, and
23 treatment program.

24 **SECTION 7.** 49.147 (5) (b) 2. of the statutes is created to read:

1 49.147 (5) (b) 2. An individual may participate in a transitional placement for
2 a maximum of 24 months. The months need not be consecutive. This period may be
3 extended on a case-by-case basis by the department or by the Wisconsin Works
4 agency with the approval of the department.

5 **SECTION 8.** 49.147 (5) (b) 2m. of the statutes is renumbered 49.147 (5) (b) 1. b.

6 **SECTION 9.** 49.147 (5) (b) 3. of the statutes is renumbered 49.147 (5) (b) 1. c.

7 **SECTION 10.** 49.147 (5) (b) 4. of the statutes is renumbered 49.147 (5) (b) 1. d.
8 and amended to read:

9 49.147 (5) (b) 1. d. Other activities that the Wisconsin ~~works~~ Works agency
10 determines are consistent with the capabilities of the individual.

11 **SECTION 11.** 49.147 (5) (bs) of the statutes is amended to read:

12 49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),
13 a Wisconsin Works agency may require a participant placed in a transitional
14 placement to engage in activities under par. (b) ~~1m. to 4.~~ The 1. for up to 28 hours
15 per week. Except as provided in sub. (5m), a Wisconsin Works agency may not
16 require a participant under this subsection to ~~spend more than 40 hours per week~~
17 ~~in combined activities under this subsection~~ participate in education or training
18 activities under par. (bm) for not more than 12 hours per week.

19 **SECTION 12.** 49.148 (1) (b) 1. of the statutes is amended to read:

20 49.148 (1) (b) 1. Except as provided in subd. 1m., for a participant in a
21 community service job under s. 49.147 (4), a monthly grant of ~~\$673~~ \$653, paid by the
22 Wisconsin ~~works~~ Works agency. For every hour that the participant misses work or
23 education or training activities without good cause, the grant amount shall be
24 reduced by \$5.15. Good cause shall be determined by the financial and employment
25 planner in accordance with rules promulgated by the department. Good cause shall

1 include required court appearances for a victim of domestic abuse. If a participant
2 in a community service job under s. 49.147 (4) is required to work fewer than 30 hours
3 per week because the participant has unsubsidized employment, as defined in s.
4 49.147 (1) (c), the grant amount under this paragraph shall equal the amount
5 specified under subd. 1m. minus \$5.15 for each hour that the participant misses work
6 or education or training activities without good cause.

7 **SECTION 13.** 49.148 (1) (b) 1m. d. of the statutes is amended to read:

8 49.148 (1) (b) 1m. d. For a participant placed in a community service job for
9 more than 20 hours per week, ~~\$673~~ \$653.

10 **SECTION 14.** 49.148 (1) (b) 3. of the statutes is amended to read:

11 49.148 (1) (b) 3. For a participant in a community service job who participates
12 in technical college education under s. 49.147 (5m), a monthly grant of ~~\$673~~ \$653,
13 paid by the Wisconsin ~~works~~ Works agency. For every hour that the participant
14 misses work or other required activities without good cause, the grant amount shall
15 be reduced by \$5.15. Good cause shall be determined by the financial and
16 employment planner in accordance with rules promulgated by the department. Good
17 cause shall include required court appearances for a victim of domestic abuse.

18 **SECTION 15.** 49.148 (1) (c) of the statutes is amended to read:

19 49.148 (1) (c) *Transitional placements.* For a participant in a transitional
20 placement under s. 49.147 (5) or in a transitional placement and in technical college
21 education under s. 49.147 (5m), a grant of ~~\$628~~ \$608, paid monthly by the Wisconsin
22 Works agency. For every hour that the participant fails to participate in any required
23 activity without good cause, including any activity under s. 49.147 (5) (b) ~~1m. to 4.~~
24 1. a. to d., the grant amount shall be reduced by \$5.15. Good cause shall be
25 determined by the financial and employment planner in accordance with rules

1 promulgated by the department. Good cause shall include required court
2 appearances for a victim of domestic abuse.

3 **SECTION 16.** 49.148 (1m) (c) (intro.) of the statutes is amended to read:

4 49.148 **(1m)** (c) (intro.) For purposes of the time ~~limit~~ limits under ~~s. ss.~~ 49.145
5 (2) (n) and 49.147 (3) (c), (4) (b), and (5) (b) 2., all of the following apply:

6 **SECTION 17.** 49.148 (4) (b) of the statutes is amended to read:

7 49.148 **(4)** (b) The Wisconsin Works agency may require an individual who tests
8 positive for use of a controlled substance under par. (a) to participate in a drug abuse
9 evaluation, assessment, and treatment program as part of the participation
10 requirement under s. 49.147 (4) ~~(a) and (am) (as)~~ or (5) ~~(b) and (bm) (bs)~~.

11 **SECTION 18.** 49.151 (1) (b) of the statutes is amended to read:

12 49.151 **(1)** (b) The participant, or an individual who is in the participant's
13 Wisconsin Works group and who is subject to the work requirement under s. 49.15
14 (2), fails, without good cause, as determined by the Wisconsin Works agency, to
15 appear for an interview with a prospective employer or, if the participant is in a
16 Wisconsin Works transitional placement, the participant fails to appear for an
17 assigned activity, including an activity under s. 49.147 (5) (b) ~~1m. to 4. 1. a. to d.,~~
18 without good cause, as determined by the Wisconsin Works agency.

19 **SECTION 19.** 49.1515 (title) of the statutes is amended to read:

20 **49.1515** (title) **Determining nonparticipation without good cause.**

21 **SECTION 20.** 49.1515 (2) of the statutes is repealed.

22 **SECTION 21.** 49.1515 (3) of the statutes is repealed.

23 **SECTION 22.** 49.153 (1) (am) of the statutes is repealed.

24 **SECTION 23.** 49.153 (1) (bm) of the statutes is renumbered 49.153 (1) (a) and
25 amended to read:

1 49.153 (1) (a) ~~After providing the explanation under par. (am), provide~~ Provide
2 to the participant written notice of the proposed action and of the reasons for the
3 proposed action.

4 **SECTION 24.** 49.153 (1) (c) of the statutes is amended to read:

5 49.153 (1) (c) After providing the ~~explanation or the attempts to provide an~~
6 ~~explanation under par. (am) and the notice under par. (bm), if the participant has not~~
7 ~~already been afforded a conciliation period under s. 49.1515 (3) (a),~~ allow the
8 participant a reasonable time to rectify the deficiency, failure, or other behavior to
9 avoid the proposed action.

10 **SECTION 25.** 49.153 (2) of the statutes is amended to read:

11 49.153 (2) RULES. The department shall promulgate rules that establish
12 procedures for the notice ~~and explanation~~ under sub. (1) (a) and that define
13 “~~reasonable attempts~~” for the purpose of sub. (1) (am) and “reasonable time” for the
14 purpose of sub. (1) (c).

15 **SECTION 26.** 49.162 of the statutes, as affected by 2009 Wisconsin Act 333, is
16 repealed.

17 **SECTION 27.** 106.14 (2) of the statutes is amended to read:

18 106.14 (2) The department shall publicize and maintain on its job center Web
19 site information related to the job ~~programs under ss.~~ program under s. 49.147 (3)
20 ~~and 49.162~~ so that employers and individuals seeking employment may obtain
21 information about the ~~programs~~ program, including how to participate in ~~them~~ it.

22 **SECTION 28.** 2009 Wisconsin Act 333, section 20 (2) is amended to read:

23 [2009 Wisconsin Act 333] Section 20 (2) PUBLISH NOTICE IN THE WISCONSIN
24 ADMINISTRATIVE REGISTER THAT FUNDING IS NOT AVAILABLE. If, after making the
25 determination under subsection (1m), the department of children and families

1 determines that federal moneys from the Temporary Assistance for Needy Families
2 Emergency Fund under the American Recovery and Reinvestment Act of 2009 are
3 no longer available to support an expansion of trial jobs under section 49.147 (3) of
4 the statutes, as affected by this act, ~~and the project under section 49.162 of the~~
5 ~~statutes, as affected by this act,~~ the department shall publish a notice in the
6 Wisconsin Administrative Register that states the date on which the federal moneys
7 may no longer be obtained.

8 **SECTION 29.** 2009 Wisconsin Act 333, section 20 (5) is amended to read:

9 [2009 Wisconsin Act 333] Section 20 (5) ADDITIONAL FUNDING FOR PROGRAMS. If
10 any other federal funding becomes available for the ~~programs~~ program under
11 ~~sections section~~ section 49.147 (3) ~~and 49.162~~ of the statutes, as affected by this act, the
12 department of children and families shall take any actions that may be necessary to
13 obtain the funding and use it for ~~these programs~~ that program.

14 **SECTION 30.** 2009 Wisconsin Act 333, section 22 (2) is amended to read:

15 [2009 Wisconsin Act 333] Section 22 (2) The repeal of ~~sections section~~ section 49.147 (3)
16 (cm) ~~and (dm) and 49.162 (3) (am) and (d)~~ of the statutes and the amendment of
17 ~~sections section~~ section 49.147 (3) (a) (by SECTION 4) ~~and 49.162 (3) (a) (by SECTION 10)~~ of the
18 statutes take effect on the date stated in the notice published by the department of
19 children and families under SECTION 20 (2) of this act.

20 **SECTION 9308. Initial applicability; Children and Families.**

21 (1) MISCELLANEOUS WISCONSIN WORKS PARTICIPATION CHANGES. The treatment of
22 sections 49.147 (3) (c), (4) (as) and (b), and (5) (b) (intro.), 1m., 2., 2m., 3., and 4. and
23 (bs), 49.148 (1) (b) 1., 1m. d., and 3. and (c), (1m) (c) (intro.), and (4) (b), 49.151 (1) (b),
24 49.1515 (title), (2), and (3), and 49.153 (1) (am), (bm), and (c) and (2) of the statutes

1 first applies to individuals participating in Wisconsin Works on the effective date of
2 this subsection.

3 (END)